

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
) Case No.
vs.) 14-CR-3104-MDH-1
)
)
SCOTT GOODWIN-BEY,)
)
Defendant.)

SENTENCING
BEFORE THE HONORABLE M. DOUGLAS HARPOOL
THURSDAY, APRIL 6, 2017; 9:35 A.M.
SPRINGFIELD, MISSOURI

APPEARANCES:

FOR THE PLAINTIFF: MR. JAMES J. KELLEHER
UNITED STATES ATTORNEY'S OFFICE
901 St. Louis, Ste. 500
Springfield, Missouri 65806

FOR THE DEFENDANT: MR. SHANE P. CANTIN
CARVER, CANTIN & MYNARICH
901 E. St. Louis St., Ste. 1600
Springfield, MO 65806

COURT REPORTER: MS. JEANNINE RANKIN, RPR, CSR
UNITED STATES DISTRICT COURT
222 N. Hammons Parkway
Springfield, MO 65806

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USA v SCOTT GOODWIN-BEY
CASE NO. 14-CR-3104-MDH-1

SENTENCING

April 6, 2017

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THE COURT: We are here to sentence Scott
Goodwin-Bey.

Who appears on behalf of the United States?

MR. KELLEHER: Jim Kelleher, Your Honor.

THE COURT: On behalf of the defendant?

MR. CANTIN: Shane Cantin here with Mr. Goodwin-Bey,
Your Honor.

THE COURT: Mr. Goodwin-Bey, would you stand.

My name is Doug Harpool. I'm the federal district
judge. It's my responsibility this morning to sentence you
for the crime that you committed. The law instructs a federal
judge to sentence a person to a sentence which is sufficient
but not greater than necessary to meet the objective of the
U.S. sentencing laws. That means in our inquiry this morning
the first thing we'll do is determine what those laws are.

The law, first of all, starts with what Congress
enacted and the president, then we'll look at what the U.S.
Sentencing Commission has suggested by way of its guidelines.
That guideline is not a mandatory sentence but it's a
guideline that federal district judges are to use and to

1 consider. Then we'll talk about factors that are described in
2 the law at Title 18, Section 3553(a) which are grounds for a
3 Court to vary or depart from that guideline sentence in
4 specific cases.

5 The lawyers will make the arguments on everything
6 I've told you about so far. They'll each get an opportunity
7 to recommend a sentence and explain why. When that's done I
8 will give you an opportunity to say something to me, if you
9 want to. You do, however, have a right to remain silent.
10 You're not required to say a word if you don't want to. But
11 before I make any final decision, I will afford you that
12 opportunity.

13 After you've had that opportunity I'll make a final
14 decision and announce it at the hearing today and try to give
15 you an explanation as to why I've reached the sentence that
16 I've reached.

17 Before entering the courtroom I've read everything
18 that has been submitted to me. I'm familiar with the facts of
19 the crime you committed and some -- whatever the background
20 information about -- that's contained in the presentence
21 investigation report. Have you read the presentence
22 investigation report?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: You understand the process we're going
25 to follow, then?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Go ahead and be seated, then.

3 All right. Counsel, let's start with the crime the
4 defendant is here to be sentenced on is possession of a
5 firearm by a previously-convicted felon. The Congress has
6 indicated that the sentence for that crime is to be not more
7 than 10 years in prison, followed by supervised release of not
8 more than three years, the possibility of a fine, and a \$100
9 special assessment.

10 Any disagreement that that is what the Congress has
11 authorized for a sentence in this case?

12 MR. KELLEHER: No, Your Honor.

13 MR. CANTIN: No disagreement, Your Honor.

14 THE COURT: Let's talk, then, about the sentencing
15 guidelines. The presentence investigation report indicates
16 that the offense level that should be assigned to the
17 defendant is a 22 with a criminal history category of five.

18 Any objection to either of those determinations?

19 MR. KELLEHER: No, Your Honor.

20 MR. CANTIN: No, sir.

21 THE COURT: I did notice the government previously
22 had filed an objection. My understanding is that's going to
23 be withdrawn; is that correct?

24 MR. KELLEHER: That is correct, Your Honor.

25 THE COURT: The Court, then, is going to find that

1 under the U.S. Sentencing Guidelines the offense level to be
2 assigned to this defendant is 22 and the criminal history
3 category of five.

4 Applying the chart -- there's a chart in the back of
5 the sentencing guideline book and across the top is an offense
6 level -- excuse me, is the criminal history, down the side is
7 the offense level. Applying those numbers to that guideline,
8 then, the guideline sentence would be for a sentence of
9 between 77 and 96 months, supervised release of one to three
10 years, a fine of 7500 to 75,000, then a \$100 special
11 assessment.

12 Any disagreement that given my findings on the
13 offense level and criminal history category that that is the
14 guideline sentence?

15 MR. KELLEHER: No, Your Honor.

16 MR. CANTIN: No, Your Honor.

17 THE COURT: Having, then, those legal issues been
18 resolved, we then need to turn to what the appropriate
19 sentence in this case is given that guideline and I will
20 recognize Mr. Kelleher from the U.S. Attorney's Office to make
21 his first presentation.

22 MR. KELLEHER: Your Honor, I believe you're aware
23 that the parties have jointly agreed to recommend a sentence
24 of 120 months in this particular case. It's the government's
25 position that that sentence is justified by the facts and

1 circumstances surrounding the offense as well as the history
2 and characteristics of the defendant. In particular, the
3 government would cite to the fact that this is the defendant's
4 second conviction for being a felon in possession of a firearm
5 and his third time being convicted in federal court.

6 Given the nature and circumstances of the crime, the
7 defendant's criminal history and the other 3553 factors that
8 the Court must take into consideration, the government agrees
9 that a sentence of 120 months, that is the statutory maximum,
10 followed by a term of supervised release of three years is
11 appropriate in this particular case, Your Honor.

12 THE COURT: I understand, and I've been advised that
13 that is going to be the joint recommendation?

14 MR. CANTIN: It is, Your Honor. After several
15 discussions with Mr. Goodwin-Bey about the government's
16 objection that has been withdrawn today, it is our joint
17 request that the Court sentence 120 months, and I don't have
18 any additional information to add at this time.

19 THE COURT: Does your client wish to address the
20 Court?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: It is not normally the practice of this
23 Court to give a maximum sentence when a guideline is below
24 that maximum. This is kind of an unusual case, however, given
25 the agreement of the parties and given the unspoken context in

1 which the state charges were filed for the alleged murders and
2 then nolle prossed, as I understand it, and this Court doesn't
3 know exactly what's going on with that prosecution.

4 I will say that I am concerned, Mr. Goodwin-Bey,
5 with your criminal history on a couple of levels. One is you
6 clearly have had an issue with cocaine in your life, both use
7 and distribution. That would concern us. Not only because
8 it's against the law but because people on cocaine do things
9 that can result in injury to people.

10 What's also concerning in your case is your use of
11 weapons. I see when you were just 29 you have a conviction
12 for unlawful use of a weapon. Then as I think the U.S.
13 Attorney mentioned, back when you were 40 you were convicted
14 of possession of a firearm by a convicted felon. Then here
15 you are now at 49, I think -- is that your age?

16 THE DEFENDANT: (Nods head.)

17 THE COURT: -- in which you again are in possession
18 of a weapon. Drug use and weapons don't mix. Related to
19 that, felons and weapons are not to mix under the law. And so
20 when we have a felon previously convicted for unlawful use and
21 then again convicted for possession and then again convicted
22 for possession when the law is very clear that you're not even
23 allowed to have a weapon, in this case my recollection is the
24 weapon was loaded, and for someone who also has a cocaine
25 issue in their life -- and I realize you've been treated in

1 the past for it but it's of concern in this case that the
2 public is at risk.

3 Our goal for you is pretty simple: Stay off of
4 cocaine and follow the rules. The rules are you can't have a
5 weapon. It's that simple. You may regret the conduct that
6 led to that rule but that is the rule. And you've not shown a
7 willingness to respect the law in that regard. For that
8 reason, the recommendation of the United States Attorney makes
9 sense to me and I am going to upwardly vary from the guideline
10 and impose the sentence recommended by the parties.

11 I would point out that there's also some indication
12 in the presentence investigation that there's something about
13 you that has a disregard for societal rules, anger issues and
14 suspicion of authority, that's the way I'm going to put it.
15 None of those are crimes. And in your background you may have
16 every good reason to have those beliefs and thoughts but that
17 doesn't mean we can't demand a respect for the law and for you
18 to follow the rules.

19 So it's the judgment of this Court that defendant
20 Scott Goodwin-Bey is hereby committed to the custody of the
21 Bureau of Prisons for 120 months on this one-count indictment.
22 Upon release from imprisonment the defendant will be placed on
23 supervised release for three years. I'm not going to impose a
24 fine because I find this defendant doesn't have the ability to
25 pay a fine. I will order him to pay the mandatory special

1 assessment of \$100 which is due immediately.

2 After your release from prison while you're on
3 supervised release, you will comply with the mandatory and
4 standard conditions that been adopted by the Court. In
5 addition, the defendant shall also comply with the special
6 conditions listed in Part D, Paragraphs 81 through E of the
7 presentence investigation report.

8 Mr. Goodwin-Bey, after you get released from prison
9 on this federal charge -- based on your prior experience you
10 can understand this -- there will be a period of time you'll
11 have rules to follow while on supervised release. Those are
12 the rules I just described to you and they're in your
13 presentence investigation report and then there's mandatory
14 conditions we use in every case. Please understand that if
15 you fail to follow those rules, you can be ordered back to
16 prison, so please comply with those rules.

17 But most importantly in your life going forward,
18 stay away from cocaine and stay away from weapons, otherwise
19 you're just going to find yourself right back in some
20 courtroom in front of some judge issuing some sentence that
21 you're not going to want to hear. We don't want that for you.

22 You do have a right to appeal the sentence I just
23 imposed. If you want to appeal, you need to do so within 14
24 days. If you don't file that appeal within 14 days, you risk
25 losing the right to raise certain issues. Do you understand

1 your right to appeal, sir?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Anything further from the government?

4 MR. KELLEHER: No, Your Honor. Thank you.

5 THE COURT: Anything further from defendant?

6 MR. CANTIN: No, Your Honor.

7 THE COURT: Is there a location request or anything?

8 THE DEFENDANT: Yes, Your Honor. I would like
9 Greenville; Greenville, Illinois.

10 THE COURT: Please understand that I can make a
11 recommendation to the Bureau of Prisons. They aren't required
12 to follow my recommendation but I will make a recommendation
13 that you be in Greenville, Illinois.

14 THE DEFENDANT: Thank you, Your Honor.

15 MR. CANTIN: Thank you, Your Honor.

16 THE COURT: We'll be in recess.

17 (Court stands in recess.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Jeannine M. Rankin, Federal Official Court Reporter,
in and for the United States District Court for the Western
District of Missouri, Southern Division, do hereby certify
that the foregoing is a true and correct transcript of the
stenographically reported proceedings.

/s/ Jeannine M. Rankin

Date: 04/15/17 Jeannine M. Rankin, CCR, CSR, RPR